

Application No.: 10/075,840

14

Docket No.: 495812001400

**REMARKS**

Claims 1-14 and 36-61 are pending in the present application. By this amendment, claims 1, 8, 37, 50, and 54-56 have been amended. No new matter has been added. Accordingly, claims 1-14 and 36-61 are currently under consideration. Applicant respectfully submits that these claims are allowable.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

**Claim Rejections Under 35 USC § 102**

Claims 1, 5, 6, 8, 12, 13, 37, 38, 46, 49, 50, 51, and 59 stand rejected under 35 U.S.C. § 102(a) as being anticipated by FUJI XEROX (JP 2000-268380 A).

Applicant respectfully submits that the claims, as amended, are allowable over the cited reference and all references of record.

Independent claims 1 and 37 have been amended to improve internal structure so that "*an output arm of the data beam*" is now clarified as "*an output arm of the data beam used for recording the hologram.*" As noted in the Response filed March 31, 2004 (Paper No. 6), recording and measuring operations are not connected by a common data beam in FUJI XEROX. Therefore, these claims are allowable over the cited reference. Because they depend directly or indirectly from claims 1 and 37, claims 2-7 and 38-49 are likewise allowable over the cited reference.

Independent claims 8 and 50 have been amended to include "*a lens for focusing the offset component onto the detector.*" This amendment is supported by the original specification at page 6, lines 8-9, and at Figure 1. This limitation is neither disclosed nor suggested by FUJI

sf-1746530

Application No.: 10/075,840

15

Docket No.: 495812001400

XEROX. Therefore, these claims are allowable over the cited reference. Because they depend directly or indirectly from claims 8 and 50, claims 9-14, 51-53, and 59-61 are likewise allowable over the cited reference.

Applicant respectfully requests that the above-cited rejection under 35 U.S.C. § 102(a) be withdrawn.

Applicant submits that the claims as amended are distinguishable over the cited reference and all references of record.

#### Allowable Subject Matter

Claims 2-4, 7, 9-11, 14, 36, 39-45, 47, 48, 52-58, 60 and 61 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 54-56 have been rewritten accordingly in independent form. Claims 57 and 58 depend from claim 56. Applicant respectfully requests that the above cited objection be withdrawn.

af-1746530

Application No.: 10/075,840

16

Docket No.: 495812001400

**CONCLUSION**

In view of the above, Applicant respectfully submits that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 495812001400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 20, 2004

Respectfully submitted,

By 

Robert E. Scheid

Registration No.: 42,126  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105  
(415) 268-6369

SF-1746530